BOOK REVIEWS.

"THE PEOPLES LAW." By Charles Sumner Lobingier. The MacMillan Company, 1909.

The proposal of Mr. Balfour, the leader of the conservative party in Great Britain, to submit to a popular referendum the question of tariff reform, has aroused, as never before, the interest of the thinking classes in England in the practicability and advisability of legislation by a direct vote of the general electorate. It would seem from the tone of the leading articles in the magazines and from the result of the recent election that advocates of the referendum will have much missionary work to do before the British public will be convinced that the system is not totally destructive of representative government; that throwing the final responsibility for important measures upon the electorate will not sap the vitality of the House of Commons and impair the prestige of its membership.

Those who would engage in or follow this controversy will find in Judge Lobingier's work on popular participation in law-making a fund of historical information that will greatly aid an intelligent discussion of the problem. Much, of course, has been written upon the system of initiative and referendum,—the subject has a perennial attraction for publicists. Judge Lobingier's most valuable contribution to the discussion is an exhaustive study of the origin and history of the American practice of submitting constitutions and constitutional amendments to a popular vote, a practice that kept alive the principle of communal participation in law-making and prepared the way for the employment of similar methods in the enactment of ordinary laws.

A full appreciation of the author's industry and learning need not, however, commit us to an endorsement of his admiration for the result of this constitution building. "In substance and contents," he says (page 348), "the American constitutions are certainly the peers of any others, while in practical operation they have no rivals." Is this complacency justified? Those who see the wheels of progress bogged in the quagmire of constitutional law will utter a despairful no! We have loaded those instruments with grotesque details and have so hampered parliamentary activity that we have fashioned the judiciary into a body of "elder statesmen" with a practical veto on all legislation. Worse, we have done the very thing that English Liberal and Radical statesmen fear today, deteriorated the personnel of our legislatures by depriving them of responsibility. The referendum may be, if not the solution of, at least an indication of our difficulties—democracy's kick to start the stalled engine of its own creation. But whether a community free from these entanglements would do well to follow in our footsteps is a question that seems to merit but one answer.

W. H. L.

"BLACK'S LAW DICTIONARY." By Henry Campbell Black. St. Paul, West Publishing Co., 1910.

The second edition of this well-known work is a marked improvement upon the first edition of 1891. The author has preserved the arrangement of the prior edition; but has greatly enhanced the utility of the work by the typographical form of the present issue. The word defined is printed in black font type, thus enabling a desired word to be readily located. The

subdivisions of the same subject appear in a smaller type of the same font. The general appearance and construction of the volume is to be commended.

While there may be proper criticism of some of the definitions as to their accuracy and compliance with the canons of logic, it must be admitted that the definitions given are improvements on those appearing in the former edition as well as those in general use in the law. As a rule, the definitions of this edition are those of the former edition, but in many cases where the matter is of present and frequent use, as for example, "accessory," "abandonment," "accident," "challenge," "common," "common law," "error," "execution," "heir," etc., the work has been greatly expanded by the insertion of new matter and the citation of cases illustrating and employing the definition given. Correlative subjects are aptly grouped under the general term and plainly noted.

Another new feature of the present edition, deserving commendation, is the "Table of Abbreviations," following the definitions proper. These definitions are those of the citations to text-books, law reports, digests of laws and decisions, encyclopedias, in fact, about all the authorities and publications relating to the law.

The edition may well be recommended not only to persons not possessing any law dictionary but also to those who possess the prior edition.

J. B. L.

"CASES ON CRIMINAL PROCEDURE." By William E. Mikell, Professor of Law in the University of Pennsylvania. American Casebook Series. St. Paul, West Publishing Co., 1910. Pp. XVIII and 427.

This volume is one of the latest in the series of casebooks prepared under the general editorship of James Brown Scott for the West Publishing Company. There are now published, or in press, ten numbers of the series in addition to the volume just noted. These are the books on Administrative Law, Bills and Notes, Carriers, Conflict of Laws, Criminal Law, Damages, Partnership, Suretyship, Trusts, and Wills and Administration.

"CASES ON THE LAW OF CARRIERS." By Frederick Green, Professor of Law, University of Illinois. American Casebook Series. St. Paul, West Publishing Company.

An active practitioner who has never been engaged in the teaching of the law and has probably not opened a casebook since his admission to the bar, naturally approaches the subject of a review of a casebook as he would the question whether he should add a new text-book or digest to his library, and his first thought is whether the selection and arrangement of topics or headings is good. And it would seem to be even more essential for the teacher by the case system than for the text-book writer, properly to arrange his subject matter. For, though the student deduces the principle from each case as he reads it, his comprehension of the principle is greatly facilitated if he reads the case with the proper appreciation of its connection with other cases and of its logical position in the subject he is studying.

The chief criticism of Professor Green's arrangement is that he treats together carriers of passengers and carriers of goods. There are so few respects in which the same principles apply to these two divisions of the subject and so many in which the principles are quite different, that logical arrangement calls for separation. A carrier is an insurer of the safety of goods in transportation, but not of passengers. The rules in regard to bills of lading are quite different from those as to tickets, in regard both to their contractual nature, and to the validity of provisions in them limiting the carrier's liability. The commencement and the termination of the relation of carrier